

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD SILVERWHIP ST.  
MARKS,

Defendant.

CR 10-63-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on June 28, 2017. Defendant admitted that he had violated the conditions of his supervised release by failing to report for substance abuse testing, by failing to notify his probation officer of a change in his residence, and by failing to notify his probation officer of a change in his employment. Judge Johnston found the admissions sufficient to establish the supervised release violations. Judge Johnston recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of six months, with no supervised release to follow.

No objections were filed by either party. Judge Johnston's findings

and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted that he had violated the conditions of his supervised release. Defendant could be incarcerated for up to 24 months, followed by 23 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of five to 11 months. A sentence of six months in custody, with no supervised release to follow is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 136) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 13th day of July, 2017.



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Brian Morris  
United States District Court Judge